

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Thomas Ivey,

Plaintiff,

v.

Case No. 1:20cv278

Hard Rock Casino Cincinnati, LLC,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on January 21, 2021 (Doc. 16).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 16) have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 16) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, Defendant’s Motion to Dismiss (Doc. 14) based on Fed. R. Civ. P. 12(b)(6) is **GRANTED**. Plaintiff’s Amended Complaint (Doc. 13) is **DISMISSED without prejudice** and this matter is **CLOSED** and **TERMINATED** from the Court’s active docket.

**IT IS SO ORDERED.**

s/ Michael R. Barrett  
Michael R. Barrett, Judge  
United States District Court